

EXHIBIT 5

Escapes won't be offered plea deals

DA plans to seek death penalty for 6

By Tim Wyatt

Staff Writer

Dallas County District Attorney Bill Hill said Monday he won't offer plea bargains to any of the six Texas prison escapees, despite offers from escapee Randy Halprin to help prosecutors convict five other escapees.

County officials began preparing Monday for the trials of the escapees — a process that could last more than a year and cost more than \$1 million.

Mr. Hill met with lead prosecutor Toby Shook and other staff Monday to plan the logistics of prosecuting the six escapees. If trials were held

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for all six, it would equal the total of all death-penalty cases tried in Dallas County last year.

Authorities already have referred the cases to a Dallas County grand jury, and Mr. Hill said he hopes the panel will return with indictments by the end of the week.

Mr. Hill stated flatly that none of the six would be offered plea bargains. His statements came in response to interviews by Mr. Halprin, who said he was not one of five of the seven escapees who fired shots at Irving police Officer Aubrey Hawkins and did not deserve the death penalty as punishment for his crimes.

"Nothing's changed our minds about our original position," Mr. Hill said. "We have the option of seeking the death penalty, and we're planning on asking for the death penalty for each one of them."

Even if George Rivas, the suspected ringleader of the group, pleads guilty to capital murder in the killing of Officer Hawkins during the Christmas Eve robbery, Mr. Shook said, it would have little impact on the prosecution. Mr. Rivas has admitted in interviews that he shot Officer Hawkins.

"No one's ever pleaded guilty to a death penalty case that I've had," Mr. Shook said. "But it doesn't affect a thing. We'll just go straight forward on it."

State Rep. Domingo Garcia, D-Dallas, said he would ask for a special \$1.25 million appropriation from the state to help Dallas County pay for the cost of housing and prosecuting the escapees.

The expense of capital-murder trials and the first automatic appeal of a conviction are borne by the county where the offense occurred.

Dallas County courts spent an extra \$425,000 out of pocket to prosecute its six death-penalty trials last year, which came to more than \$70,000 per case. However, those figures only covered added courtroom costs such as defense attorney fees and trial transcripts.

The costs also could soar if one or more of the escapees' attorneys seek and win a change of location for the trial. For example, the trial of Darlie Routier, convicted and sentenced to death for the murder of one of her two sons, cost the county \$1.1 million. That trial was moved from Dallas to Kerrville.

For prosecuting the Connally escapees, the district attorney's office must bear the added expense of transporting and housing what could turn into a huge group of witnesses from two states.

"Dallas County can pay for it, but it's only fair that Texas share the burden of the cost," Mr. Garcia said. "These were state prisoners that escaped, and

anyone, I think the fact is that the state has a responsibility and an obligation to help pay those costs."

Some special funding can come from the criminal justice division of the governor's office, which has funds to cover extraordinary prosecution costs. Those special grants usually have gone to smaller counties with fewer resources, such as to Jasper prosecutors for the trials associated with the dragging death of James Byrd. Despite that help, Jasper County officials still had to raise property taxes to help defray the costs of the trial.

Senate Finance Chairman Rodney Ellis, D-Houston, said additional funding for Dallas County prosecutions should be raised during the regular appropriations process, currently under way.

He said the special "emergency" appropriation being sought by Mr. Garcia is primarily reserved for unanticipated expenses that hit the state between legislative sessions.

Kathy Walt, press secretary for Gov. Rick Perry, said some federal and state money is available for capital prosecution, but she added: "It's an extraordinarily large amount [\$1.25 million]. It would have to be balanced with other requests."

Mr. Garcia said he had not yet discussed the appropriations request with Mr. Perry's office.

In another development, State District Judge Molly Francis, who will be in charge of the trials of the escapees, on Monday appointed defense attorney Wayne Huff to represent Mr. Rivas. Judge Francis would not say when she planned to name Mr. Rivas' second defense attorney.